

Senate Bill 59

By: Senator Hamrick of the 30th

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 42-8-130 of the Official Code of Georgia Annotated, relating to establishment of county diversion centers, so as to authorize the establishment of county probation diversion centers for certain offenders; to provide that such centers shall be under the control of the sheriff of the county or such other county entity, officer, or employee as the county governing authority shall direct; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 42-8-130 of the Official Code of Georgia Annotated, relating to establishment of county diversion centers, is amended by striking the Code section and inserting in lieu thereof a new Code Section 42-8-130 to read as follows:

"42-8-130.

A county shall be authorized to establish a diversion center under the direction of the sheriff of the county in which the diversion center is located or such other county entity, officer, or employee as the county governing authority shall direct and a diversion program for the confinement of certain persons who have been found in contempt of court for violation of orders granting temporary or permanent alimony or child support and sentenced pursuant to subsection (c) of Code Section 15-1-4 and for the confinement of persons placed on probation for misdemeanor convictions. While in such diversion program, the respondent shall be authorized to travel to and from his or her place of employment and to continue his or her occupation. The official in charge of the diversion program or his or her designee shall prescribe the routes, manner of travel, and periods of travel to be used by the respondent in attending to his or her occupation. If the respondent's occupation requires the respondent to travel away from his or her place of employment, the amount and conditions of such travel shall be approved by the official in charge of the diversion center or his or her designee. When the respondent is not traveling to or from his or her place of employment or engaging in his or her occupation, such person

1 shall be confined in the diversion center during the term of the sentence. With the approval  
2 of the ~~sheriff or his or her designee~~ official in charge of the diversion center or his or her  
3 designee, the respondent may participate in educational or counseling programs offered at  
4 the diversion center. While participating in the diversion program, the respondent, in  
5 addition to any fines imposed as a result of such conviction or finding of contempt, shall  
6 be liable for alimony or child support as previously ordered, including arrears, and his or  
7 her income shall be subject to the provisions of Code Sections 19-6-30 through 19-6-33 and  
8 Chapter 11 of Title 19. In addition, should any funds remain after payment of child support  
9 or alimony, the respondent may be charged and a fee payable to the county operating the  
10 diversion program to cover the costs of his or her incarceration and the administration of  
11 the diversion program which fee shall be not more than \$30.00 per day or the actual per  
12 diem cost of maintaining the respondent, whichever is less, for the entire period of time the  
13 person is confined to the center and participating in the program. If the respondent fails  
14 to comply with any of the requirements imposed upon him or her in accordance with this  
15 Code section, nothing shall prevent the sentencing judge from revoking said assignment  
16 to a diversion program and providing for alternative methods of incarceration."

## 17 SECTION 2.

18 All laws and parts of laws in conflict with this Act are repealed.